

ORDINANCE NO. 11-30

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 88-94 (SEP. 13, 1988) AND RELEASING AND CANCELLING THE DECLARATION OF RESTRICTIVE COVENANTS LIMITING THE RETAIL USES ON THE PROPERTY TO CAR STEREO INSTALLATIONS SIGNED ON JULY 12, 1988. **PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WEST 49 STREET AND WEST 4 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Special Use Permit granted pursuant to Hialeah, Fla., Ordinance 88-94 and accompanying Declaration of Restrictions permitting the installation of car stereo systems no longer meet their purpose since the uses are now permitted as of right in the zoning district where the property lies;

WHEREAS, the Planning and Zoning Board at its meeting of April 27, 2011, 2010, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: **Repeal of Hialeah, Fla., Ordinance 02-13.** Hialeah, Fla., Ordinance 88-94 (Sep. 13, 1988) is hereby repealed and rescinded in its entirety.

Section 2: The Property is hereby released from and the Declaration of Restrictive Covenants limiting the retail sales of electronics on the property to the installation of car stereos signed on July 12, 1988 and recorded in the Public Records of Miami-Dade County in Official Records Book 13828, at Page 2595 is hereby cancelled. Property located on the southwest corner of West 49 Street and West 4 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

A PORTION OF TRACT C, FIFTH ADDITION TO PALM SPRINGS SUBDIVISION, SECTION FIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 95, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 49 STREET (NORTHWEST 103 STREET) AND THE WESTERLY RIGHT-OF-WAY LINE OF WEST 4 AVENUE (RED ROAD) BOTH AS SHOWN ON SAID PLAT OF FIFTH ADDITION TO PALM SPRINGS SUBDIVISION, SECTION FIVE; THENCE RUN S0°54'40" W ALONG SAID WESTERLY RIGHT-OF-WAY EXTENSION OF WEST 4 AVENUE FOR A DISTANCE OF 24.41 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S0°54'40"W ALONG SAID WEST RIGHT-OF-WAY LINE OF WEST 4 AVENUE FOR A DISTANCE OF 382.72 FEET TO A POINT; THENCE RUN N87°43'20"W FOR A DISTANCE OF 175.86 FEET TO A POINT; THENCE RUN N1°01'20"E FOR A DISTANCE OF 105.81 FEET TO A POINT; THENCE RUN N87°42'40"W FOR A DISTANCE OF 255.92 FEET TO A POINT; THENCE RUN N2°17'15"E FOR A DISTANCE OF 301.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 49 STREET; THENCE RUN S87°42'54"E FOR A DISTANCE OF 399.93 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 88°37'34" AND A RADIUS OF 25.00 FEET; THENCE RUN SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 38.67 FEET TO THE POINT OF BEGINNING.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the

city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.


If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

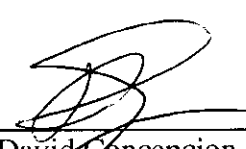
PASSED and ADOPTED this 31st day of May, 2011.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 3 day of June, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney